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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,218	08/27/2003	Young-II Yang	5387-8	7119
20575	7590	12/19/2005	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			MACARTHUR, VICTOR L	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,218

Applicant(s)

YANG, YOUNG-IL

Examiner

Victor MacArthur

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preamble

The preamble of claim 1 merely recites the use or purpose (e.g. “for connecting neighboring partitioning frames each formed with connecting holes”) of the claimed invention such that the body of the claim following the preamble is a self-contained description of the structure and does not depend on the preamble for completeness. Accordingly, the examiner has determined that the preamble does not limit the claim. The examiner has considered the claims **without** combination (emphasis added). See MPEP 2111.02 and *Kropa v. Robie*, 88 USPQ at 480-481; *Rowe*, 42 USPQ2d at 1553; and *IMS Technology Inc. v. Haas Automation Inc.*, 54 USPQ2d 1129, 1137 (Fed.Cir.2000).

The examiner notes that the applicant has amended the claims to change the name of the apparatus to a “cubicle partitioning frames connecting apparatus” (line 1 of claim 1). However, this does not amount to a positive recitation of “partitioning frames” and as such the “partitioning frames” remain recited purely as an intended use for the “connecting apparatus”. Applicant is reminded that where there is physical identity between the subject matter of the claim and the prior art, the label given to the claimed subject matter does not distinguish the invention over the prior art. *In re Pearson*, 494 F. 2d 1399, 1403, 181 USPQ 641, 644 (CCPA 1974); *In re Lemin*, 326 F. 2d 437, 140 USPQ 273 (CCPA 1964).

Claim Objections

Claim 1 is objected to because of the following informalities:

- The limitation “slowly” (line 10 of claim 1) is a relative term and should be deleted to improve claim clarity since it is unclear what elements are “slowly-rising-and-falling” and what elements are not (e.g., elements that are quickly-rising-and-falling).
- The limitation “easily” (line 15 of claim 1) is a relative term and should be deleted to improve claim clarity since it is unclear what elements are “easily [insertable]” and what elements are not (e.g., elements that are difficultly insertable).

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hayes (U.S. Patent 5,620,291).

Claim 1. Hayes discloses (figs.1 and 6) a cubicle partitioning frames connecting apparatus comprising: a connecting plate (12) formed at one end thereof with a first hitching jaw (22) for insertion into and passing through a connecting hole (topmost hole in 60) and a second hitching jaw (bottom portion of 12) formed at the other end thereof for not passing through said

Art Unit: 3679

connecting hole; a leaf spring (50) for being insertedly hitched by said first hitching jaw of said connecting plate; and a connector housing (30) for pressing said leaf spring to be insertedly hitched by said first hitching jaw of said connecting plate, wherein a slowly-rising-and-falling inclining hitching surface (40) is formed inside said connector housing for pressing said leaf spring when hitched by said first hitching jaw to rotate said connector housing, and a third hitching jaw (jaw which forms 44) is protrusively formed at said inclining hitching surface for restraining the rotation when said connector housing is rotated at a prescribed angle, wherein the connector housing is formed with a hole (34) structured (in that it is a hole extending from surface 38 to surface 36) to easily insert a driver (such as a flathead screw driver) or a rod (such as the driving rod of a spanner wrench) thereinto for turning.

Response to Arguments

Applicant's arguments with regard to the claim rejections have been fully considered but they are not persuasive.

The applicant argues that element (34) of Hayes is not a hole. This is not persuasive since element (34) is "an opening through something" in accordance with Merriam-Webster's Collegiate Dictionary Tenth Edition. Note that element (34) is an opening in element (30) that extends from surface (38) to surface (36) as described in col.2, ll.62-64.

The applicant argues that element (34) cannot easily receive a driver or a rod for turning. This is not persuasive. First note that the applicant's claim does not positively recite a driver or rod but rather merely states that the reception of a driver or rod is an intended use of the hole. Secondly note that the Hayes hole (34) is fully capable of receiving a driver or rod thereinto for

Art Unit: 3679

turning in that it is structured as a hole and therefore inherently provides a space for such an intended usage.

The applicant argues that element 22 of Hayes is not a hitching jaw because it is not used as a hitching jaw. This is not persuasive. Since element 22 is jaw-shaped and is used in hitching elements 10 and 30 together.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

Art Unit: 3679

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.



VLM

December 11, 2005



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